

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

J.V.P. by and through his parent and)
Guardian K.V.P.,)
)
Plaintiffs,)
)
v.)
)
State of Missouri Board of Education, and)
)
The Missouri Department of Elementary)
and Secondary Education,)
)
Defendants.)

Civil No: 4:22-cv-00558-BP

**PLAINTIFFS' MOTION FOR CLARIFICATION OF THE COURT'S ORDER
DIRECTING DEFENDANTS TO COMPLY WITH 20 U.S.C. § 1415(j)**

Plaintiffs J.V.P. and K.V.P. move to clarify the Court's Order Directing Defendants to Comply with 20 U.S.C. § 1415(j), dated November 4, 2022. For their motion, Plaintiffs state as follows:

1. On November 4, 2022, this Court ordered Defendants to comply with 20 U.S.C. § 1415(j) by providing J.V.P. with his pendency placement.
2. This Court's order did not state a termination date for the pendency placement.
3. Because J.V.P.'s placement at the time the litigation commenced was no longer available for him as of November 4, 2022, it took Defendants time to secure an appropriate pendency program for J.V.P.
4. Defendants did not comply with this order until January 17, 2023, when J.V.P. was enrolled in a new school.
5. Defendants have indicated that they intend to cease providing education to J.V.P. on his 22nd birthday (August 29, 2023), even if this suit remains pending at that time.

6. 20 U.S.C. § 1415(j) requires Defendants to provide education, in compliance with J.V.P.'s "stay put" Individualized Education Plan, to J.V.P. well beyond August 29, 2023.

WHEREFORE, Plaintiffs request that this Court:

- A. Confirm that Defendants are required to continue providing education to J.V.P., consistent with J.V.P.'s "stay put" Individualized Education Plan, beyond August 29, 2023;
- B. And for such further relief as this Court determines just and proper.

Date: July 18, 2023

Respectfully submitted,

/s/ Will Hack

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on July 18, 2023, to Eric Doner, counsel for Defendant Missouri State Board of Education and Defendant Missouri Department of Elementary and Secondary Education, by email to eric.doner@ago.mo.gov.

/s/ Will Hack
Will Hack